

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
)	
)	No. 3:06-CR-23
V.)	(PHILLIPS/SHIRLEY)
)	
)	
)	
JAMES HENDRIX)	

ORDER OF DETENTION PENDING TRIAL

An initial appearance and arraignment were held in this case on March 3, 2006. Robert Simpson, Assistant United States Attorney, was present representing the government, and Jonathan Moffatt, Assistant Federal Defender, was present representing the defendant. Counsel for the defendant stated that the defendant had a detention hearing on February 8 and 9, 2006, on seven (7) citations issued out of Great Smoky Mountains National Park before the Honorable H. Bruce Guyton. The Court found that there were no conditions or combination of conditions in which the defendant could be released and issued an Order of Detention Pending Trial dated February 9, 2006. Six (6) of these citations remain pending and will be transferred to the District Judge along with the Indictment. Accordingly, it does not appear to the Court that the defendant is entitled to a detention hearing since he is currently being detained on current federal charges. Counsel for the government and the defendant agreed to this decision. However, to the extent any detention issues do exist, this Court would find that the new charge (Count 1) and the escalation of the “damage to government vehicle” charge,

to a felony would not provide any basis for a revision or a modification of the current Order of Detention Pending Trial, not would it afford the defendant any basis for release, but rather would only serve to add to the reasons for detention. The defendant was present and stated that he knew he would remain in jail pending trial. For good cause, the defendant is detained.

It is therefore **ORDERED** that:

- (1) Defendant be detained.;
- (2) Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (3) Defendant be afforded reasonable opportunity for private consultation with counsel; and
- (4) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with any court proceeding.

ENTER:

s/C. Clifford Shirley, Jr.
United States Magistrate Judge